

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for ANR to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

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**[Docket No. CP96-186-000]**

**ANR Pipeline Company; Notice of Application**

February 16, 1996.

Take notice that on February 12, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, for authority (1) to abandon by transfer to ANR Field Services Company (ANR Field Services), its affiliate, certain certificated and non-certificated facilities and (2) to refunctionalize certain facilities as transmission facilities and for a finding that the facilities to be transferred to ANR Field Services will be non-jurisdictional, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

ANR states that, historically, it purchased substantial natural gas supplies in its Southwest area (in Oklahoma, Texas, and Kansas). ANR also purchased production in Wyoming. To connect these supplies, ANR constructed extensive gathering systems into the producing areas of these states. ANR asserts that the location, extent, and configuration of these systems were specifically designed and operated to support the merchant function. Some of the gathering facilities constructed were contiguous and some were non-contiguous.

ANR indicates that as a result of Order No. 636 and unbundling, it no longer has a merchant function and does not desire to be a provider of gathering services in this region. Accordingly, ANR no longer has a need to own and operate its Southwest gathering facilities either to access system supply or provide gathering services. Therefore, ANR proposes to "spin down" certain of

its Southwest Area facilities currently classified as gathering to ANR Field Services. ANR states that it has entered into a purchase and sale agreement with ANR Field Services whereby ANR Field Services will assume ownership and operation of transferred facilities and will provide gathering services. The agreement provides that the facilities will be sold at the net book value of the assets. The facilities proposed to be transferred include 530 miles of pipeline, 2,700 horsepower of compression and appurtenant facilities, and metering and/or recording equipment at 351 locations.

In conjunction with the proposed transfer, ANR also requests that the Commission make a finding that such facilities will be non-jurisdictional facilities and that the service to be provided through such facilities will not be subject to the Commission's jurisdiction. ANR asserts that the facilities proposed to be transferred are gathering facilities and exempt from Commission jurisdiction pursuant to Section 1(b) of the Natural Gas Act. In support of this assertion, ANR states that it has presented evidence that the facilities qualify as gathering facilities consistent with the Commission's Modified Primary Function Test.<sup>1</sup>

ANR also proposes to refunctionalize certain facilities which are presently classified for rate and accounting purposes as gathering facilities, but which ANR asserts should be classified as transmission under the Commission's Modified Primary Function Test.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 8, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for ANR to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

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**[Docket No. RP96-141-000]**

**CNG Transmission Corporation; Notice of Section 4 Filing**

February 16, 1996.

Take notice that on February 9, 1996, CNG Transmission Corporation (CNG) tendered for filing, pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service provided through specified uncertificated facilities which CNG will abandon by sale to Ashland Exploration, Inc. CNG states that no contract for transportation of service with CNG will be canceled or terminated because delivery of gas will occur further downstream of the current delivery points.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than February 21, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

<sup>1</sup> Citing *Amerada Hess Corporation*, 52 FERC ¶ 61,268 (1990).